

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7057

BILL NUMBER: HB 1096

NOTE PREPARED: Dec 27, 2006

BILL AMENDED:

SUBJECT: Defibrillators at Physical Fitness Facilities.

FIRST AUTHOR: Rep. Tyler

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill requires the owner or operator of a physical fitness facility to have an automated external defibrillator and to meet certain requirements concerning medical emergencies and the use of the defibrillator located on the physical fitness facility's premises.

It requires enforcement of the requirements by the State Department of Health. It also provides immunity from liability for acts or omissions involving the use of defibrillators in physical fitness facilities.

Effective Date: July 1, 2007.

Explanation of State Expenditures: Under the bill, the State Department of Health (DOH) is responsible for inspection of physical fitness facilities according to rules adopted by DOH and in response to complaints alleging noncompliance. The cost of inspections is based on the number of facilities and the amount of time that each inspection requires. The number of facilities statewide that fit the definition of physical fitness facility under the bill is unknown, and the time required for each inspection will depend on the requirements of the rules that will be adopted by DOH. To the extent that DOH could utilize other agencies, such as local health departments, costs to the state may be reduced. The average annual salary of DOH medical surveyors is \$40,218 as of October 16, 2006.

Also, DOH is to hold hearings under IC 4-21.5 if a physical fitness facility violates the requirements concerning defibrillators. The cost of hearings is indeterminate and depends on the number of facilities that fail to comply with the requirements concerning defibrillators.

In addition, costs could increase for the DOH to adopt rules to implement the requirements of the bill.

However, these costs are expected to be minimal.

Explanation of State Revenues: The bill allows DOH to assess civil penalties between \$1,500 and \$2,000 for a second violation or at least \$2,000 for a subsequent violation. There is to be a warning issued for the first violation. Civil penalties are deposited in the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: State Department of Health.

Local Agencies Affected:

Information Sources: Terry Whitson, Department of Health, 317-233-7022.

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